

**7:30 – Interviews with new appointees.**

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**JUNE 26, 2006**

**HEARING BEFORE THE CITY COUNCIL, 6:45 P.M.**

Relative to amending Chapter 21 of the Revised Ordinances entitled “Water and Sewer” by deleting the Sewer User Rate Schedule in Section 21-22.3 in its entirety and inserting in its place a new section 21-22.3 reflecting new out of city sewer rates. (Legal Affairs – Petition #61-06)

**HEARING BEFORE THE CITY COUNCIL, 6:55 P.M.**

83-06        National Grid and Verizon New England, Inc: Joslin Street: Install one jointly owned pole on Joslin Street beginning at a point approximately 210 feet east of the centerline of the intersection of Day Street and continuing approximately 42 feet in a westerly direction. (Public Service)

**HEARING BEFORE THE CITY COUNCIL, 7:00 P.M.**

C-137        Relative to the appropriation of \$87,670,000.00 to the Fiscal Year 2007 Budget; same to be raised by Fiscal Year 2007 Revenue. (Finance)

C-138        Relative to the appropriation of \$2,600,000.00 to the FY 2007 Sewer Department Budget ; same to be raised by FY 2007 Sewer Department estimated receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (Finance)

C-139        Relative to the appropriation of \$3,515,000.00 to the FY 2007 Water Department Budget; same to be raised by FY 2007 Water Department estimated receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws. (Finance)

**HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.**  
**(Continued from April 10, 2006)**

- 54-06            Scott Hyney: Grant a Special Permit to construct an addition to an existing dwelling at 39 Federal Circle as shown on Assessors Map 363, Lot 41, located in a rural residential zone in the water supply protection district. (Legal Affairs)

**PUBLIC FORUM, 7:45 P.M.**

**REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.**

**ROLL CALL**

**COMMUNICATIONS**

- C-142            Relative to the appropriation of \$600,000.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account. (Finance)
- C-143            EMERGENCY PREAMBLE  
Relative to the appropriation of \$15,000.00 to the Medicare Insurance Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-144            EMERGENCY PREAMBLE  
Relative to the appropriation of \$12,100.00 to the Highway General Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-145            Dean J. Mazarella, Mayor: Amend Section 22-114 of the Leominster Zoning Ordinances entitled "Existing Accessory Dwelling Units" to allow any accessory dwelling unit existing in a single-family residence on the effective date of this article, continue in use, although not originally authorized under the Zoning Ordinance, provided that the record owner of the residence provides a notarized letter as prescribed in Section 22-112 of this article. A pre-existing accessory dwelling unit shall be considered grand-fathered provided that the In-Law unit was constructed with a building permit or is recognized by the Assessor's Office as being an approved In-Law unit. (Legal Affairs)

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## **REGULAR MEETING OF THE CITY COUNCIL, continued**

### **COMMUNICATIONS, continued**

- C-146 Dean J. Mazzarella, Mayor: Amend Section 22-12 of the Leominster Zoning Ordinance entitled “Nonconforming Uses and Structures” by deleting section 12.3.1 through 12.3.2.3 in its entirety and inserting sections 12.3.1 through 12.3.1.7 regarding changing, extending or altering a Pre-existing Nonconforming Structure or Use; or a Conforming Use on a Pre-existing Nonconforming Lot or in a Pre-existing Nonconforming Structure. (Legal Affairs)

### **PETITIONS**

- 96-06 Bovenzi and Donovan on behalf of Sky Meadow Realty Trust: Accept the deed to Sky Lane and make Sky Lane a public way. (Public Service)
- 97-06 Dorothy Rouleau: Adopt a Demolition Delay Bylaw to protect historically significant resources of the City of Leominster by considering alternatives to demolition of buildings 75 years old or more. (Legal Affairs)
- 98-06 Joel H. Baker, Baker Cadillac: Grant a Special Permit to expand the current Baker Cadillac dealership with a second Suzuki dealership on an adjacent lot, located at 34 Mead Street as shown on Assessors Map 266, lot 6, located in a Commercial zone within the flood plain. (Legal Affairs)

### **APPOINTMENTS**

Disability Commission – Thomas Wolfe, Marty Turbide, Gail Turbide – terms to expire April 15, 2009.

Leominster Housing Authority – Karen L. Buckley

### **MATTERS BEFORE THE CITY COUNCIL**

#### **APPOINTMENTS**

Permanent Firefighter – Robert A. DeMarzio

Leominster Disability Commission – Thomas Yoder, Victoria Marrama – term to expire April 15, 2009.

Emergency Management Auxiliary Police Officer – Charlie Toro Williams – term to expire on April 15, 2007.

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**MATTERS BEFORE THE CITY COUNCIL, continued****APPOINTMENTS, continued**

Election Officers – 2006-2007

Emergency Management Communications Unit – Philip A. Porter

**RE-APPOINTMENT**

Emergency Management Auxiliary Police Officer – Anthony Celona – term to expire April 15, 2007.

**FINANCE**

- C-130      Relative to the appropriation of \$100,000.00 to the Gallagher Building Capital Outlay Expense Account; same to be transferred from the Gallagher Building Revolving Fund.
- C-131      Relative to the appropriation of \$30,000.00 to the Medicare Insurance Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-132      Relative to the appropriation of \$2,100.00 to the Cemetery Department Expense Account; same to be transferred from the Cemetery Perpetual Care Income Account.
- C-133      Relative to the appropriation of \$40,000.00 to the Highway Expense Account; same to be transferred from the Snow and Ice Expense Account.
- C-134      Relative to the appropriation of \$125,000.00 to the Contributory Retirement Expense Account; same to be transferred from the Excess and Deficiency Account.

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## MATTERS BEFORE THE CITY COUNCIL, continued

### FINANCE, continued

- C-135      Relative to the appropriation of \$1,000,000.00 to the various General Fund accounts as listed; same to be transferred from the Massachusetts School Building Authority Reimbursement Grant Account.
- |                                |                   |
|--------------------------------|-------------------|
| Assessor's Capital Outlay      | \$210,000.00      |
| Council on Aging Expenses      | 3,000.00          |
| Building Capital Outlay        | 65,000.00         |
| Public Works Expenses          | 5,000.00          |
| Sidewalk Expenses              | 50,000.00         |
| Election/Registration Expenses | 1,200.00          |
| Fire Capital Outlay            | 40,000.00         |
| Mayor Expenses                 | 4,950.00          |
| Police Capital Outlay          | 32,350.00         |
| Recreation Capital Outlay      | 122,500.00        |
| Treasurer's Expenses           | 15,000.00         |
| Veteran's Capital Outlay       | 50,000.00         |
| School Dept. Capital Outlay    | <u>401,000.00</u> |
| TOTAL:                         | \$1,000,000.00    |
- C-136      Relative to the appropriation of \$4,000.00 to the Library Expense Account; same to be transferred from the Library Salary and Wages Account.
- C-137      Relative to the appropriation of \$87,670,000.00 to the Fiscal Year 2007 Budget; same to be raised by Fiscal Year 2007 Revenue.
- C-138      Relative to the appropriation of \$2,600,000.00 to the FY 2007 Sewer Department Budget ; same to be raised by FY 2007 Sewer Department estimated receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.
- C-139      Relative to the appropriation of \$3,515,000.00 to the FY 2007 Water Department Budget; same to be raised by FY 2007 Water Department estimated receipts as authorized by Chapter 44, Section 53E of the Massachusetts General Laws.
- C-140      Relative to the appropriation of \$3,100,000.00 to the Stabilization Fund; same to be transferred from the Overlay Surplus Account.
- C-141      Relative to the appropriation of \$68,600.00 to the Police Department Expense Account; same to be transferred from the Police Department Salary and Wages Account.

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **PUBLIC SERVICE**

- 83-06      National Grid and Verizon New England, Inc: Joslin Street: Install one jointly owned pole on Joslin Street beginning at a point approximately 210 feet east of the centerline of the intersection of Day Street and continuing approximately 42 feet in a westerly direction.
  
- 84-06      Orlando Pacheco, Town Administrator, Lancaster: Allow a sewer connection from the Town of Lancaster to the City of Leominster wastewater system servicing only the north side of Route 2, which currently encompasses the Johnny Appleseed Visitor's Center, Orchard Hills Athletic Club and Roll-on-America.
  
- 85-06      Sharon F. Leger, et al: Request to change our street from Parnes Court to Field Road, as a public way.
  
- 86-06      Peter A. CampoBasso, on behalf of Southgate Meadows, LLC: Layout as a public way, an approved way known as Research Drive as shown on a Definitive Subdivision Plan entitled "Industrial Park" as Road A.

### **LEGAL AFFAIRS**

- 77-06      Richard M. Marchand: Place "no parking" signs on Blossom Street beginning at the intersection of West Street and Blossom Street and extending for twenty-five feet in the direction heading towards Merriam Avenue.
  
- 78-06      Claire Freda: Allow 15 minute parking during the drop-off and pick-up times at Bright Beginnings opposite the business on Lancaster Street from Litchfield Street to Elm Hill Avenue.
  
- 87-06      Joseph Altman: Grant a Special Permit to use an existing building at 195 Hamilton Street, located in an industrial zone and shown on Assessor's Map 229 as Lot 3, for a consignment shop. (Hearing scheduled for July 10, 2006 at 7:15 P.M.)
  
- 88-06      Wayne Nickel: Remove the stop signs on Fourth Street at the intersection at Spring Street and place the stop signs on Spring Street at the intersection with Fourth Street.
  
- 89-06      James Lanciani, Jr.: Adopt M.G.L. Chapter 41 Section 100G 1/4 which allows payment of reasonable expenses for funeral and burial of any police officers or firefighters killed in performance of duty, not to exceed \$5,000.00

## **MATTERS BEFORE THE CITY COUNCIL, continued**

### **LEGAL AFFAIRS, continued**

- 90-06 Richard M. Marchand: Revise the current building code which allows the city or state to proceed with construction past the hours allowed for general contractors unless the construction is of an emergency nature.

### **LEGAL AFFAIRS & PUBLIC SAFETY**

- 91-06 Richard M. Marchand: Request the Mayor authorize the City Solicitor to provide “boiler plate language” if not currently available, for our community to adopt legislation to require a public safety policy for business establishments throughout the community that attract or market young children to patronize their business, provide professional development voluntarily or legally if applicable, for their employees to help identify Level III Sex Offenders when entering their establishment.”

### **PUBLIC SAFETY**

- 92-06 Richard M. Marchand: Install the appropriate signage in close proximity to the intersection of River Street and Main Street facing Main Street to clearly indicate and emphasize “One Way Traffic – Do Not Enter – Wrong Way.”
- 93-06 Richard M. Marchand: Make River Street from the intersection of Hamilton Street to Main Street a truck exclusion.
- 94-06 Richard M. Marchand and Robert A. Salvatelli, on behalf of Russell M. Davis Jr.: Install traffic signals on the corner of Granite Street and West Street.
- 95-06 Robert A. Salvatelli: Install traffic signals at the intersection of West Street and Pond Street.

### **OLD BUSINESS**

2<sup>nd</sup> Reading Ordinance – Amend Chapter 21 of the Revised Ordinances entitled “Water and Sewer” by deleting the Sewer User Rate Schedule in Section 21-22.3 in its entirety and inserting in its place a new section 21-22.3 reflecting new out of city sewer rates. (Legal Affairs – Petition #61-06)

06/26/06

### **OLD BUSINESS, continued**

In accordance with Section 2-7 of the City Charter – Mayor’s Veto, Reconsideration of Vote – Relative to amending Chapter 21, Section 21-22.4, of the Revised Ordinances entitled “Water and Sewer” by deleting section 21-22.4 subsections (a) through (c) in their entirety and inserting new subsections (a) through (e) to reflect changes in fees to individual units, condominium units, commercial and industrial construction within and outside the City of Leominster. (Legal Affairs Petition # 79-06)

### **NEW BUSINESS**

1<sup>st</sup> Reading Ordinance – Amend Chapter 21 of the Revised Ordinances entitled “Water and Sewer” by deleting Section 21-22.4 (a) in its entirety and inserting a new subsection (a) so that all individual domestic units including apartment units and condominium units, within the city will be charged one thousand dollars per unit for connection which will serve as a connection and inspection fee that is valid through the last day of the year in which the permit was issued and will not apply to in-law apartments or accessory structures. (Legal Affairs – Petition #79-06)

### **TABLED PETITION UPON WHICH ACTION IS PROPOSED**

#### **LEGAL AFFAIRS**

- |       |  |
|-------|--|
| 30-06 | Paul LeBlanc and Henry Lanza, on behalf of the License Commission: Accept MGL Chapter 138, Section 12, which allows cities and towns to permit common victualers (food) who sell wine & malt beverages under MGL Chapter 138, Section 12 to also sell Liqueurs and Cordials. |
| 54-06 | Scott Hyney: Grant a Special Permit to construct an addition to an existing dwelling at 39 Federal Circle as shown on Assessors Map 363, Lot 41, located in a rural residential zone in the water supply protection district.  |
| 60-06 | Susan M. Harding: Grant a Special Permit to use the existing building at 34 Mohawk Drive, to operate a wholesale auto sales facility in an Industrial zone and to allow for the storage of automobiles within a floodplain.  |

Lynn A. Bouchard  
City Clerk  
June 22, 2006